



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kanno et al.

Application No.: 09/868,338

Art Unit: 1646

*File
purpose
only*

Filing Date: June 18, 2001

Examiner: Basi

For: ABC TRANSPORTER AND GENE
ENCODING SAME

Attorney Ref. No.: US-1280

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Mail Stop Non-fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 14, 2004, which set a 3-month shortened statutory period for response thereto, please amend the above-captioned patent application as follows. A Petition for a 3-month extension of time under 37 C.F.R. §

07/27/2004 DWILLI04 00000001 503077 09868338
01 FC:1201 258.00 DA

17/13/2004 WABDELR3 00000003 503077 09868338

01 FC:1253 950.00 DA

17/13/2004 WABDELR1 00000147 503077 09868338

01 FC:1253 950.00 DA

FEE VALUE		ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.			
50	3077		
FEES	CODE	VALUE	FURNISHED
1201	2580	(3)	

ordinary skill in the art would be able to determine other hybridization variants by their common activity and critical special feature as an ABC transporter. It is clear, therefore, that a person of ordinary skill in the art would recognize what the inventors have claimed.

For the reasons presented above, and in conjunction with the evidence presented herein, applicants respectfully request that the rejection be withdrawn.

Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Basi believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned respectfully requests that she be contacted immediately.

Respectfully submitted,

By: *Shelly*
Shelly Guest Cermak
Registration No. 39,571

USPTO Customer No. 38108
Ajinomoto Corporate Services LLC
1120 Connecticut Ave., Ste. 1001
Washington D.C. 20036
202 457 0284
Date: July 9, 2004

Please accept payment of the above-calculated fees, and any extension of time fees by the following payment method:

Please charge Deposit Account No. 50-3077 in the amount of \$950.00.

A check in the amount of \$ _____ is enclosed.

The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to

Deposit Account No. 50-3077

the credit account identified in PTO-2038.

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



Shelly Guest Cermak
Reg. No. 39,571

U.S. P.T.O. Customer No. 38108
Ajinomoto Corporate Services LLC
1120 Connecticut Ave.
Ste. 1010
Washington D.C. 20036
202.457.0284

Date: July 9, 2004